THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.27816 OF 2005

Dt.30.12.2005

Between:

Koleti Anantharamaiah … Petitioner

And

Government of A.P., Irrigation and
Command Area Development (Gen-IV)
Department, rep. by its Secretary,
Irrigation, Secretariat, Hyderabad and
5 others. … Respondents

ORDER:

The petitioner seeks to issue writ of mandamus declaring the inaction of the respondents in conducting enquiry with regard to 273 bogus voters, whose names have been included by tampering pahanies in the voters' list of Water Users Association of Vallabhi/Mallaram Village, Mudigonda Mandal, Khammam District, and taking steps to proceed with the elections in the 1st week of January, 2006 without deleting bogus voters as illegal and arbitrary.

The petitioner submits that with regard to Water Users Association previously the respondents proposed to conduct elections on 25.4.2005, but pursuant to the stay order granted by the Government on 23.4.2005 the elections were stayed. It is stated that when the voters list was prepared pursuant to the previous election notification

certain irregularities have been committed by the Panchayat Secretary of Vallabhi Gram Panchayat and, therefore, he was suspended by order dated 20.4.2005 and thereafter a regular enquiry was conducted wherein it was found that certain names have been illegally included and the names of certain persons have been deleted in the voters list. It is stated that 273 persons have been included as bogus voters and therefore objections have been filed on 2.4.2005, 14.12.2005 and 26.12.2005. But the said objections have not been considered so far. It is stated that the Government vacated the stay on 29.6.2005 and proposing to conduct elections on 6.1.2006 along with other Water Users Associations.

Heard the learned counsel for the petitioner and the learned Government Pleader on behalf of the respondents.

I am of the opinion that general objections filed by the petitioner before the Mandal Revenue Officer is not of any help after the schedule of the elections has been notified in respect of Water Users Association. The up-dation of voters list is from 1.12.2005 to 5.12.2005, publication of voters list in Form 'D" has to be made on 6.12.2005 and the last date for filing objections is 13.12.2005. Though the said voters list was published calling for objections from 6.12.2005 to 13.12.2005, the petitioner has not filed any specific objections specifying the names of the bogus voters enrolled in the voters list. In the absence of any specific objections, no relief can be granted to the petitioner. However, an appeal is provided under Rule 10 of the A.P. Farmers Management of Irrigation Systems (Delineation and Formation of Water Users Association) Rules, 2003. But the petitioner has not filed any appeal against the publication of voters list as specified under Rule 9(2) of the said Rules. In the absence of filing of a specific appeal, I am of the opinion that no relief can be granted to the petitioner.

The writ petition is accordingly dismissed. No costs.

(V.ESWARAIAH, J.)

30.12.2005

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